

# Notice of Allowability

Application No.

10/079,715

Examiner

Matthew O Savage

Applicant(s)

OSBORN, WALTER A.

Art Unit

1723

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2-10-04.
2. ☒ The allowed claim(s) is/are 6-8 renumbered 1-3, respectively.
3. ☒ The drawings filed on 2-19-02 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.   |

Matthew O Savage  
Primary Examiner  
Art Unit: 1723

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ken J. Pedersen on 5-13-04.

Claim 5 has been canceled.

6. (Currently Amended) An external lubricant filter system for automatic transmissions having a lubricant pump, said system comprising:

a modified transmission lubricant pan assembly including a peripheral side wall defining an upper open end adapted for attachment to an automatic transmission, a bottom wall closing the bottom of said peripheral side wall, [having internal and external surfaces] and a filter adapter fixedly secured within the peripheral side wall, [between the] said peripheral side wall and said bottom wall and said adapter together defining an internal surface facing an interior space of said pan and an external surface[s] facing opposite said internal surface, said adapter further including an externally threaded pipe nipple extending from the external surface thereof, a lubricant entry port extending through said adapter, a plenum extending into the external surface of said adapter, and a filter canister sealing surface on the external surface of said adapter and surrounding

Art Unit: 1723

said plenum, a plurality of generally flat walls attached to the internal surface of the pan,  
said plurality of generally flat walls being configured and arranged to define an inlet  
chamber and an outlet chamber adjacent the internal surface of said pan [both], wherein  
said lubricant entry port extends from said plenum to said inlet chamber, and wherein  
said threaded pipe nipple opens into said outlet chamber, and wherein an uppermost  
one of said generally flat walls defining the outlet chamber is positioned within said  
interior space and adjacent the open upper end of said pan, said uppermost one of said  
generally flat walls including an upwardly facing outlet port [fixedly attached to the  
internal surfaces of the wall of said pan];

an external spin on-off lubricant filter canister removably connected to said  
[modified pan] externally threaded pipe nipple and sealing against said filter canister  
sealing surface; and

a lubricant pick up assembly attached to one of said generally flat walls defining  
said inlet chamber for delivering lubricant from the interior space of said pan to said inlet  
chamber; and

a lubricant discharge tube[; wherein said discharge tube further includes]  
including lower and upper ends, the lower end being fixedly received within said  
upwardly facing outlet port, and the upper end being adapted for connection to said  
transmission pump [having a lower shoulder and being fixedly and sealingly attached to  
the outlet chamber, and the upper end having an upper shoulder and being fixedly,  
sealingly and cooperatively attached to the transmission lubricant pump].

New claims 7 and 8 have been added as follows:

7. (new) The external lubricant filter system of claim 6, wherein said upwardly facing outlet port includes a seal, wherein the lower end of said lubricant discharge tube includes a lower shoulder that urges the seal against said upwardly facing outlet port, and wherein the upper end of said lubricant discharge tube includes an upper shoulder for urging a seal against an inlet port of the transmission lubricant pump.

8. (new) The external lubricant filter system of claim 6, wherein the pick up assembly includes, a pick up tube, a downwardly facing cup portion attached to one end of the pick up tube positioned proximate the bottom wall of said pan for drawing lubricant from a bottom portion the interior space of said pan, and a flange portion attached to the other end of said pick up tube, the flange portion being fixedly attached to said one of the generally flat walls defining said inlet chamber.

The following is an examiner's statement of reasons for allowance: Dixon is considered the closest prior art, however, Dixon fails to teach or suggest instantly claimed relation of a plurality of generally flat walls attached to the internal surface of the pan, the plurality of generally flat walls being configured and arranged to define an inlet chamber and an outlet chamber adjacent the internal surface of the pan, an uppermost one of the generally flat walls defining the outlet chamber being positioned within the interior space and adjacent the open upper end of the pan, the uppermost

Art Unit: 1723

one of the generally flat walls including an upwardly facing outlet port, and a lubricant discharge tube including lower and upper ends, the lower end being fixedly received within the upwardly facing outlet port, and the upper end being adapted for connection to said transmission pump as recited in instant claim 6.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Matthew O. Savage*  
Matthew O Savage  
Primary Examiner  
Art Unit 1723

mos  
May 13, 2004